

A. SIMON CHREIN  
United States Magistrate Judge

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
225 CADMAN PLAZA EAST  
BROOKLYN, NY 11201  
(718) 260-2500

DOCKET & FILE

August 9, 2004

FILED  
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VIA FACSIMILE

TIME A.M.

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Re: *Bary v. Delta Airlines, Inc.*  
02 CV 5202 (DGT)(ASC)<sup>1</sup>

Counselors:

I have a letter from plaintiff's counsel, Sanjay Chaubey, Esq., dated August 6, 2004, complaining of the defendant's failure to respond to a second set of interrogatories on or about June 30, 2004. It is unclear from Mr. Chaubey's letter whether he attempted to confer with counsel for the defendant, as required by Local Rule 37.3(a).<sup>2</sup>

I shall deal with this matter at the conference currently scheduled before me on *September 21, 2004, at 2:30 p.m.* Prior to that conference, it is expected that counsel will have conferred as required by the local rule. Should any rulings made in connection with these interrogatories require an extension of the discovery cutoff, I shall also address that question at the conference.

Very truly yours,

A. SIMON CHREIN  
United States Magistrate Judge

ASC/fap

<sup>1</sup>N.B. the correct case number, including the suffix of indispensable judges' initials in parentheses, to appear on future correspondence from counsel.

<sup>2</sup>Local Civil Rule 37.3(a) states, in its entirety: "**Premotion Conference.** Prior to seeking judicial resolution of a discovery or non-dispositive pretrial dispute, the attorneys for the affected parties or non-party witness shall attempt to confer in good faith *in person or by telephone* in an effort to resolve the dispute." (Emphasis supplied)).